IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE V.V.S.RAO
WRIT PETITION NO : 6757 of 1994

Between:
Gadi Ramamurthy, S/o.Matayya,
Gummadikonda, Natavaram Mandal,
Visakhapatnam District

..... PETITIONER

AND

1. The Sub-Collector,
   Narsipatnam,
   Visakhapatnam District.
2. The Mandal Revenue Officer,
   Natavaram,
   Visakhapatnam District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction in the nature of writ of mandamus declaring the order in Memo.Rc.No.287/94/C, dt.30.3.1994 passed by the first respondent herein as illegal and further direct the second respondent herein not to take any further steps including the eviction of the petitioner from an extent of Acs.1.28 in S.No.31-1; and Acs.0.21 in S.No.34-1 situated in Buradapalli Agraharam Village, Natavaram Mandal, Visakhapatnam District, and pass such other order or orders as this Hon'ble Court may deem fit and proper.

For the Petitioner:MR.K.S.R.MURTHY

For the Respondents: G.P.FOR REVENUE

WRIT PETITION NO : 6763 of 1994

Between:
Lagudu Jogiraju, S/o. Nagaraju,

Gummadikonda Village,
Natavaram Mandal,
Visakhapatnam District

..... PETITIONER

AND

1. The Sub-Collector,
   Narsipatnam,
   Visakhapatnam District.
2. The Mandal Revenue Officer,
   Natavaram Mandal,
   Visakhapatnam District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction in the nature of writ of mandamus declaring the order in Memo.Rc.No.287/94/C, dt.30.3.1994 passed by the first respondent herein as illegal and further direct the second respondent herein not to take any steps including the eviction of the petitioner from an extent of Acs.0.50 in S.No.29-1; Acs.3.00 in S.No.30-1; and Acs.0.72 in S.No.51 in Buradapalli Agraharam Village, Natavaram Mandal, Visakhapatnam District, and pass such other order or orders as this Hon'ble Court may deem fit and proper.

For the Petitioner:MR.K.S.R.MURTHY

For the Respondents: G.P.FOR REVENUE

The Court Made the Following
COMMON ORDER:

This common order shall dispose of these two writ petitions. The petitioners claim that their ancestors purchased kudivaram rights in an extent of Acs.20.70 and Acs.30.00 respectively from an inamdar who was cultivating the lands by T.D.No.2. The Mandal Revenue Officer, second respondent herein, issued a notice under Section 6 of the Land Encroachment Act, 1905 (for short, the Act) requiring the petitioners to remove the encroachments of the lands. Aggrieved by the same, the petitioners preferred an appeals before first respondent and prayed for stay of the orders of the Mandal Revenue Officer. By impugned order

dt.30.3.1994 first respondent rejected the prayer to grant stay on the ground that the lands are situated in the scheduled area in Buradapalli Agraharam Village of Nathavaram Mandal. Aggrieved by the same, petitioners filed these two Writ Petitions.

This Court admitted the Writ Petitions on 22.4.1994 and by order of even date stayed all further proceedings including eviction of the petitioners. When the matters were called for hearing it is brought to my notice by the learned counsel for the petitioners that the appeals filed by the petitioners before the first respondent are still pending. As these writ petitions are filed against interlocutory orders, it would be in the interest of justice to dispose of these Writ Petitions directing the first respondent Sub-Collector to pass appropriate orders finally on the appeals filed by petitioners within a period of four weeks from the date of receipt of a copy of this order. As this Court stayed eviction, it would be proper to direct the respondents not to evict the petitioners from the lands in question if the petitioners are in possession as on today.

The Writ Petitions are accordingly disposed of with the above observations and directions. No costs.

ASSISTANT REGISTRAR

16.6.2004 // TRUE COPY //

SECTION OFFICER

To

1.The Sub-Collector, Narsipatnam, Visakhapatnam District.
2.The Mandal Revenue Officer, Natavaram Mandal, Visakhapatnam District.
3.Government Pleader for Revenue, High Court Buildings, Hyderabad (OUT)
4.2CD copies

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